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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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CRIMINAL INDICTMENT

CASE NO: 2:17-cr- 391

VIOLATIONS:

18 U.S.C. § 1349 –Honest Services Fraud
Conspiracy

18 U.S.C. § 201(b)(1) – Solicitation and
Bribery of a Public Official

18 U.S.C. § 201(b)(2) – Solicitation and
Receipt of a Bribe by Public Official

UNITED STATES OF AMERICA,

Plaintiff,

v.

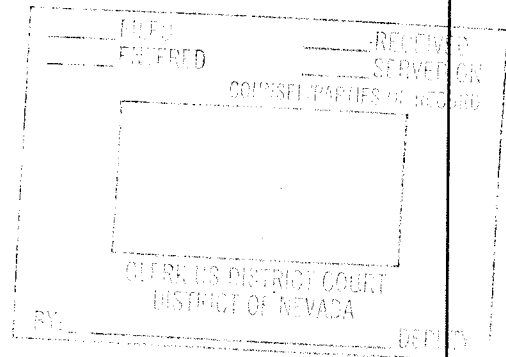
FREDRICK J. LEAVITT, and
DUSTIN M. LEWIS,

Defendants.

The Grand Jury charges that at all times relevant to the Indictment:

BACKGROUND

1. Defendant DUSTIN LEWIS (LEWIS) was a certified public accountant and equity partner at Las Vegas, Nevada accounting and tax firm, LL Bradford & Company (LL Bradford).



1 2. Defendant FREDRICK "RICK" LEAVITT (LEAVITT), was a certified
2 public accountant and resident of Henderson, Nevada. LEAVITT was employed by
3 the United States Bureau of Reclamation (USBR) as Director of the Financial
4 Management Office (FMO) for the Lower Colorado Region. As part of his official
5 duties, LEAVITT was involved in the administration and award of audit contracts
6 related to USBR projects and infrastructure, including the Boulder Canyon Project,
7 otherwise known as the Hoover Dam.

8 **THE SCHEME TO BRIBE A PUBLIC OFFICIAL**

9 3. From beginning in or about February 2015, through on or about
10 February 18, 2016, in the District of Nevada and elsewhere, defendants LEAVITT
11 and LEWIS, and others known and unknown to the Grand Jury, did devise, intend
12 to devise, and participate in a material scheme and artifice to defraud and for
13 obtaining money and property from the United States and the Southern California
14 Public Power Authority (SCPPA) by means of materially false and fraudulent
15 pretenses, representations, promises, and omissions, and to deprive the United
16 States and its citizens of the right to LEAVITT's honest services, in violation of Title
17 18, United States Code, Sections 1343 and 1346.

18 4. The purpose and object of the scheme and artifice to defraud was for
19 LEWIS to pay bribes and kickbacks to LEAVITT in exchange for LEAVITT using his
20 official position to steer a SCPPA audit contract to LL Bradford.

21 5. It was a part of the scheme and artifice that LEAVITT and LEWIS, for
22 the purpose of executing such scheme and artifice and attempting to do so, would and
23 did transmit and cause to be transmitted by means of wire and radio communications

1 in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, to
2 wit, electronic mails and wire transfers of money.

3 6. As a part of the scheme and artifice, and among other acts, LEAVITT
4 and LEWIS colluded over the preparation of LL Bradford's bid submission for the
5 SCPPA audit contract by, among other things: LEAVITT providing LEWIS a copy of
6 the audit selection committee's "score sheet" used in selecting the winning bid;
7 LEAVITT and LEWIS together editing and exchanging draft copies of LL Bradford's
8 bid submission for the contract; LEAVITT providing LEWIS inside information about
9 the audit committee selection process; and LEAVITT and LEWIS exchanging
10 telephone calls and text messages to discuss preparation of LL Bradford's bid
11 submission to win the contract.

12 7. As a further part of the scheme and artifice, LEAVITT used his official
13 position at USBR and as a member of the SCPPA audit contract's selection committee
14 to rank LL Bradford as a "1" on his score sheet, thus selecting LL Bradford's bid as
15 the top bid for the SCPPA audit contract.

16 8. Among other acts, it was a further part of the scheme and artifice that:

17 a. LEWIS submitted by email and postal or common carrier a
18 written proposal and bid for LL Bradford to be awarded the SCPPA audit contract.
19 The bid falsely represented that LL Bradford's proposal was free from any collusion
20 or undisclosed agreements with third parties, such as LEAVITT.

21 b. On or about April 30, 2015, after the audit subcommittee had
22 preliminarily selected LL Bradford as the winning bidder for the SCPPA audit
23

1 contract, LEWIS used a bank account owned by his company, Solomon Consulting,
2 LLC, to wire transfer \$87,500 to a bank account owned and controlled by LEAVITT.

3 c. On or about July 1, 2015, after LL Bradford received \$300,000
4 under the SCPPA audit contract, LEWIS caused \$152,500 to be wire transferred from
5 an A-Team Consulting, LLC bank account to a bank account held by Solomon
6 Consulting, LLC. On or about July 2, 2015, LEWIS caused \$113,750 of that money to
7 be wire transferred to a Chase checking account held by LEAVITT.

8 d. During the period August 19, 2015, through October 29, 2015,
9 LEAVITT sent emails concurring in and authorizing, on the part of USBR, four
10 \$67,667 installment payments to LL Bradford.

11 e. LEAVITT and LEWIS concealed from SCPPA and USBR the fact
12 that LEAVITT received bribes and kickbacks for his efforts steering the SCPPA audit
13 contract to LL Bradford.

14 f. In and about October 2015 through January 2016, LEWIS and
15 another individual met with LEAVITT and offered him an employment position with
16 LL Bradford as a "Tax Partner." LEAVITT accepted that position and went to work
17 for LL Bradford in or about January 2016.

18 **Statutory Allegations**

19 **COUNT ONE**

20 **Honest Services Fraud Conspiracy**
(Title 18, United States Code, Section 1349)

21 9. The Grand Jury re-alleges and incorporates here the allegations
22 contained in Paragraphs One through Eight of this Indictment.
23

1 10. Beginning in or about February 2015 and continuing until on or about
2 February 18, 2016, in the State and Federal District of Nevada, and elsewhere,

3 **FREDRICK J. LEAVITT, and**
4 **DUSTIN M. LEWIS,**

5 defendants herein, did conspire, confederate and agree with each other, and with
6 others known and unknown to the Grand Jury, to commit the crime of Honest
7 Services Wire Fraud, in violation of Title 18, United States Code, Sections 1343 and
8 1346.

9 11. The object of the conspiracy was to devise, intend to devise, and
10 participate in the material scheme and artifice to defraud as set forth herein for the
11 purposes of obtaining money and property from others and to deprive the United
12 States and its citizens of their right to LEAVITT's honest services.

13 12. In furtherance of the conspiracy, the defendants performed the overt
14 acts described in Paragraphs Three through Eight and Counts Two and Three of this
15 Indictment.

16 All in violation of Title 18, United States Code, Section 1349.

17 **COUNT TWO**

18 **Solicitation and Bribery of a Public Official**
19 **(Title 18, United States Code, Sections 201(b)(1))**

20 13. The Grand Jury re-alleges and incorporates here the allegations
21 contained in Paragraphs One through Twelve of this Indictment.

22 14. From in or about February 2015, through on or about February 18, 2016,
23 in the District of Nevada and elsewhere,

DUSTIN M. LEWIS,

1 defendant herein, and others known and unknown to the Grand Jury, did, directly
 2 and indirectly, corruptly give, offer, and promise a thing of value to a public official,
 3 defendant LEAVITT, with intent to influence an official act, to influence LEAVITT to
 4 commit and aid in committing and to collude in, and allow, and to make opportunity
 5 for the commission of a fraud on the United States, and to induce LEAVITT to do an
 6 act and omit to do an act in violation of his official duty, that is, pay LEAVITT money
 7 in exchange for LEAVITT steering a SCPPA audit contract to LL Bradford, in
 8 violation of Title 18, United States Code, Section 201(b)(1).

9 **COUNT THREE**

10 **Solicitation and Receipt of a Bribe by Public Official**
 11 (Title 18, United States Code, Section 201(b)(2))

12 15. The Grand Jury re-alleges and incorporates here the allegations
 13 contained in Paragraphs One through Fourteen of this Indictment.

14 16. From in or about February 2015, through in or about February 2016, in
 15 the District of Nevada and elsewhere,

16 **FREDRICK J. LEAVITT,**

17 defendant herein, being a public official, directly and indirectly, did corruptly
 18 demand, seek, receive, accept, and agree to receive and accept, something of value
 19 personally and for another person and entity, to wit, money, in return for LEAVITT:
 20 (a) being influenced in the performance of LEAVITT's official acts; (b) being induced
 21 to omit to do acts in violation of LEAVITT's official duties; and (c) being influenced to
 22 commit and aid in committing and to collude in, and allow, and to make opportunity
 23 for the commission of a fraud on the United States, to wit, by providing non-public or

1 inside information about the SCPA audit contract selection process to LEWIS,
 2 colluding over and editing the substance of LL Bradford's bid submission for the
 3 SCPA audit contract, voting for and selecting LL Bradford to be awarded the SCPA
 4 Audit Contract, and, on behalf of USBR, authorizing payments to LL Bradford under
 5 the SCPA Audit Contract, in violation of Title 18, United States Code, Section
 6 201(b)(2).

7 **FORFEITURE ALLEGATION**

8 **Honest Services Fraud Conspiracy; Solicitation and Bribery of a Public
 9 Official; and Solicitation and Receipt of a Bribe by Public Official**

10 1. The allegations contained in Counts One through Three of this Criminal
 11 Indictment are hereby realleged and incorporated herein by reference for the purpose
 12 of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C)
 13 with Title 28, United States Code, Section 2461(c).

14 2. Upon conviction of any of the felony offenses charged in Counts One through
 15 Three of this Criminal Indictment,

16 **FREDRICK J. LEAVITT, and**

17 **DUSTIN M. LEWIS,**

18 defendants herein, shall forfeit to the United States of America, any property, real or
 19 personal, which constitutes or is derived from proceeds traceable to violations of Title
 20 18, United States Code, Sections 201(b)(1), 201(b)(2), and 1343, specified unlawful
 21 activities as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and
 22 1961(1)(B), or Title 18, United States Code, Section 1349, conspiracy to commit such
 23 offenses:

1. an in personam criminal forfeiture money judgment including, but not limited to, at least \$201,250 as to Fredrick J. Leavitt, including:

a. \$87,500 and

b. 2016 Grey Mercedes Benz CLS 63 AMG S-Model, Nevada License Plate NV5536, VIN WDDLJ7GB5GA159973, Registered To Fredrick Joseph Leavitt Or Tracey Lynn Leavitt; and

2. an in personam criminal forfeiture money judgment including, but not limited to, at least \$704,002 as to Dustin M. Lewis

(all of which constitutes property).

3. If any property being subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendants -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any properties of the defendants for the property listed above and the in personam criminal forfeiture money judgment including, but not limited to, at least \$201,250 as to Fredrick J. Leavitt and the in

1 personam criminal forfeiture money judgment including, but not limited to, at least
2 \$704,002 as to Dustin M. Lewis.

3 All pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title
4 28, United States Code, Section 2461(c); Title 18, United States Code, Sections
5 201(b)(1), 201(b)(2), 1343, and 1349; and Title 21, United States Code, Section 853(p).

6 DATED this the 13 day of December, 2017.

7 A TRUE BILL:

8 /s/
9 FOREPERSON OF THE GRAND JURY

10
11 STEVEN W. MYHRE
Acting United States Attorney

12 
13 PATRICK BURNS
Assistant United States Attorney